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**Commission on
Judicial Performance**

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

**INQUIRY CONCERNING
JUDGE RICHARD W. STANFORD, JR.**

No. 190

**NOTICE OF FORMAL
PROCEEDINGS**

To Richard W. Stanford, Jr., a judge of the Orange County Municipal Court from April 19, 1985 to August 9, 1998, and a judge of the Orange County Superior Court from August 10, 1998 to the present:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action within the meaning of article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

COUNT ONE

From approximately July 2003 through May 2010, as set forth below, you engaged in a pattern of misconduct in the handling of traffic matters on behalf of your friends, acquaintances, a spouse of a family member and a member of court staff. Your actions in these matters were an improper use of your judicial office, were not the result of any regular administrative or adjudicative procedure, and were for a purpose other than the faithful discharge of your judicial duties. Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 2B(1), 2B(2), 3B(7), 3B(8), 3E(1), and 3E(2).

A. On July 31, 2003, George Pennell received a citation (AN1181984) from the Anaheim Police Department for driving at an unsafe speed (54 miles per hour in a 35-mile-per-hour zone), in violation of Vehicle Code section 22350. On that date, Mr. Pennell was serving as a juror in a case that you were presiding over. Although the traffic matter would not have come before you in the ordinary course of judicial business, you handled it yourself.

The citation was filed on Friday, August 22, 2003. According to the minutes, on Monday morning, August 25, 2003, without an appearance by the defendant, you ordered traffic school and waived all fines and fees, except the \$51 county traffic school fee. In addition to the county traffic school fee, Vehicle Code section 42007 requires that the clerk of the court shall collect as a fee for traffic school the total bail for the offense, which here was approximately \$173.

B. On November 30, 2005, Mary Ann Mooney received a citation (FL758326) from the Fullerton Police Department for a violation of Vehicle Code section 22400(a) (impeding traffic). She signed a promise to appear in court on January 6, 2006. Ms. Mooney, who was 82 years old when she received the citation and died in 2010, was a longtime friend of your family. The citation was filed on December 15, 2005 and a courtesy notice was sent to Ms. Mooney on December 19, 2005. (A courtesy notice states the total bail amount due, and

addresses eligibility for traffic school and traffic school procedures.) The total bail was approximately \$141.

You heard about the citation and, in an ex parte conversation, offered to enter a guilty plea and suspend all fines on her behalf. Although the case would not have come before you in the ordinary course of judicial business, you transferred the matter to your department, N10, a felony trial department to which you have been assigned since approximately 2002. On December 23, 2005, without an appearance in court by Ms. Mooney, you entered a guilty plea, suspended sentence and waived all fines and fees. (The docket report reflects this action as "chambers work.")

C. On October 8, 2003, Edwin Jay Williams received a citation (FL703059) from the Fullerton Police Department for a violation of Vehicle Code section 21453(a) (failure to stop at red light). The citation was filed on October 23, 2003, and a courtesy notice was sent to Mr. Williams on October 24, 2003.

Mr. Williams is a pastor of the First Evangelical Free Church of Fullerton, which your family attends, and is also a friend of yours. Mr. Williams told you about the citation. In an ex parte conversation with Mr. Williams, you discussed traffic school. Although the case would not have come before you in the ordinary course of judicial business, you transferred the matter to your department. On November 13, 2003, you ordered traffic school and waived all fines and fees except the \$52 county traffic school fee and another minor fee. The total bail for this offense was approximately \$326.

On March 11, 2006, Mr. Williams received a citation (FL762326) from the Fullerton Police Department for driving at an unsafe speed (54 miles per hour in a 45-mile-per-hour zone), in violation of Vehicle Code section 22350. He signed a promise to appear in court on April 28, 2006. The citation was filed on March 31, 2006, and a courtesy notice was sent to Mr. Williams on April 3, 2006.

Mr. Williams also told you about this ticket, and you had an ex parte conversation with him about it. Although the case would not have come before

you in the ordinary course of judicial business, you transferred the matter to your department. On April 10, 2006, without an appearance in court by Mr. Williams, you ordered traffic school and waived all fines and fees except the \$53 county traffic school fee and another minor fee. The total bail for this offense was approximately \$210. (The docket report reflects your action in 2003 and 2006 as "chambers work.")

D. On May 18, 2006, your courtroom clerk Gina Gonzales received a citation (FL770707) from the Fullerton Police Department for a violation of Vehicle Code section 22450(a) (failure to stop at stop sign). She signed a promise to appear in court on July 7, 2006. The citation was filed on June 1, 2006, and a courtesy notice was sent to Ms. Gonzales on June 2, 2006. On July 6, 2006, Ms. Gonzales obtained an extension of the date to appear until August 21, 2006. (Ms. Gonzales did not appear on August 21, 2006.)

Ms. Gonzales has been your courtroom clerk for over 10 years. You had an ex parte conversation with her regarding her ticket. Although the case would not have come before you in the ordinary course of judicial business, you transferred the matter to your department. On August 24, 2006, a guilty plea was entered and you suspended sentence and waived all fines and fees. The total bail for this offense was approximately \$141.

E. On December 1, 2006, a driver of a vehicle registered to Neilson Construction received a citation (BR422810) from the City of Brea Police Department for a violation of Vehicle Code 4000.6(d) (overweight vehicle). The driver signed a promise to appear in court on or before January 31, 2007. The citation was filed on January 13, 2007, and a courtesy notice was sent on January 17, 2007.

Neilson Construction, owned by David Neilson, had performed remodeling work on your home, and you are friends with Mr. Neilson. Mr. Neilson told you about the ticket and said that he would be out of town on January 31, 2007. In an ex parte conversation, you offered to extend the appearance date. Although the

case would not have come before you in the ordinary course of judicial business, you transferred the matter to your department. According to the docket report, on January 31, 2007, Mr. Neilson made a telephone request to your department for an extension, which you granted. The case was set for arraignment in the traffic department (N1) on February 21, 2007, and you did not preside over it further. (The docket report describes the action on January 31 as "chambers work.")

F. On April 27, 2007, Heidi Andrews received a citation (FL790718) from the Fullerton Police Department for driving at an unsafe speed (45 miles per hour in a 25-mile-per-hour zone), in violation of Vehicle Code section 22350. She signed a promise to appear in court on June 15, 2007.

Ms. Andrews is a friend of your wife, and is also a friend of yours. You found out about the ticket and conveyed to her, either directly or through your wife, that you would waive the fines and fees.

The citation was filed on May 9, 2007, and a courtesy notice was sent to Ms. Andrews on May 10, 2007. Although the case would not have come before you in the ordinary course of judicial business, you transferred the matter to your department. On May 17, 2007, without an appearance in court by Ms. Andrews, a guilty plea was entered and you suspended sentence and waived all fines and fees. The total bail was approximately \$248. (The docket report reflects this as "chambers work.")

G. On September 28, 2009, Greg Habbestad received a citation (YL41488) from the City of Yorba Linda/Brea Police Department for driving at an unsafe speed (56 miles per hour when a safe speed was 40 miles per hour), in violation of Vehicle Code section 22350. He signed a promise to appear in court on or before December 9, 2009. The citation was filed on October 30, 2009, and a courtesy notice was sent to Mr. Habbestad on November 2, 2009.

You are acquainted with Mr. Habbestad through your volunteer work at a ministry, where he also volunteers. Mr. Habbestad told you about the ticket in passing. In an ex parte conversation, you offered to handle the ticket for him by

ordering traffic school and waiving the fines and fees. Although the case would not have come before you in the ordinary course of judicial business, you transferred the matter to your department. On November 19, 2009, without an appearance in court by Mr. Habbestad, you ordered traffic school and waived all fines and fees other than the \$51 county traffic school fee. The total bail for the offense was approximately \$332. (This action is reflected on the docket report as "chambers work.")

H. On March 25, 2010, your son-in-law Michael McGee received a citation (FL874215) from the Fullerton Police Department for a violation of Vehicle Code section 21453(a) (failure to stop at red light). Mr. McGee signed a promise to appear in court on May 6, 2010. A citation was filed on April 9, 2010 and a courtesy notice was sent to Mr. McGee on April 12, 2010.

In an ex parte conversation with your daughter, Mr. McGee's wife, you learned about the ticket, and offered to handle the matter for your son-in-law by ordering traffic school and waiving the fines and fees. Although the case would not have come before you in the ordinary course of judicial business, and you would have been disqualified pursuant to Code of Civil Procedure section 170.1(a)(4), you transferred the matter to your department. On May 4, 2010, you asked your courtroom clerk Gina Gonzales to print out a Case Information Sheet (CIS) for Mr. McGee's citation. Without an appearance in court by Mr. McGee, you ordered traffic school and suspended all fines and fees other than the county traffic school fee, making a note to that effect on the CIS. (The total bail for the offense was approximately \$456.) You asked Ms. Gonzales to enter this information as "chambers work." Ms. Gonzales told you that she did not feel comfortable doing so because she knew Mr. McGee, and said that she would take the matter to her supervisor; ultimately, the matter was reported to your superiors. On May 5, 2010, you paid cash bail of \$456 on behalf of Mr. McGee.

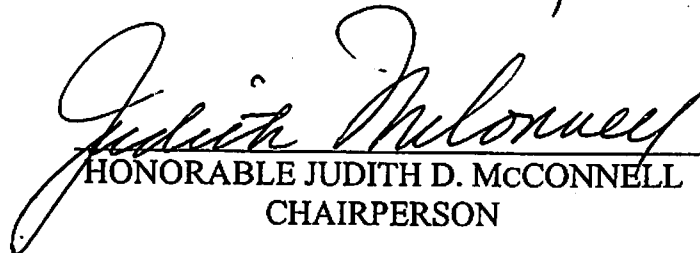
YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform in style to the California Rules of Court, rule 8.204(b). The Notice of Formal Proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This Notice of Formal Proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: March 25, 2011


HONORABLE JUDITH D. McCONNELL
CHAIRPERSON